

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 22, 2022

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGINANCE

Mayor McEachern led in the Pledge of Allegiance to the Flag.

VII. ACCEPTANCE OF MINUTES – *There are no minutes on for acceptance this evening*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth High School Girls Alpine Ski Team Division I State Champions

The Portsmouth High School Girls Alpine Ski Team received plaques from Coach Harrison and Mayor McEachern in recognition of their victory in becoming Division 1 State Champions.

IX. PUBLIC COMMENT SESSION

Jeff Goss, Clipper Tavern, spoke regarding outdoor dining and how some restaurants will be left out of the city's proposal because they do not want to divert traffic. He said that Clipper Tavern was the first to have outdoor dining and now they will be unable to participate due to the changes. He spoke to his staff relying on the income that comes from outdoor dining.

Bill St. Laurent spoke to the new proposed cargo facility at Pease and spoke to anticipated size of the facility. He requested that the City Council make themselves aware of what is being proposed.

Erik Anderson, PDA Representative, said he would like the City Council to be involved in the cargo facility development and engagement with surrounding communities. He spoke to the size of the project and how it will effect ground and aviation traffic in the City. He suggested that the City Council receive a presentation by PDA to hear about the proposal and be able to express concerns and questions relating to the project.

Gretchen Rath thanked City Manager Conard and staff for the outdoor dining proposal. She said she agrees with the fees and spoke to restaurants and retailers getting funding from the federal government. She also addressed the amount of funds the city lost in parking revenues. She said there were difficulties with deliveries being made to businesses and empty tables taking up valuable city space. She said she supports the proposal as presented to the Council.

Sue Polidura said there are many parking spaces and outdoor dining makes sense, but some restaurants take up valuable parking spaces. She said the proposal needs to be equitable and focus on all businesses in the city and their needs.

Kevin Dwyer spoke in support of outdoor dining and how much it helped with the success of his business.

Rick Becksted strongly urged the City Council not support and approve the DSA Parking Agreement. He said the agreement is not supportive of the City Council. He said this matter should be tabled and the Council should do what is in the best interest of the city.

Petra Huda asked what is the FY23 budget guidance given to the City Manager from the City Council. She said she would like the motion tabled on community power until a presentation is held on the contract. She said the agreement will commit funds without informing the taxpayers.

Bill Downey spoke regarding the rescinding vote taken regarding the McIntyre. He said the city needs a second opinion on this matter.

Alison Tanner said it is time that the city look at community power and the opportunities it would provide. She said the residents should have a say on lobbying for renewable options.

Cliff Lazenby spoke in support of the Coalition for community power and hopes that the city moves forward the agreement. He also spoke in support of the vote by the City Council on February 10th to rescind the vote of November 18, 2021 regarding McIntyre. He said there were lines crossed on how the meeting was conducted. He said the City Council should have received legal advice on the matter but the vote failed due to 5 Councilors being opposed to hearing from our legal counsel.

Robert Smith (via zoom) spoke in support of traffic calming for the Elwyn Park area. He said that he is not convinced however, that sidewalks are needed. He stated more discussion is needed and the exchanging of ideas on this matter.

Marie Bodi (via zoon) thanked Mayor McEachern, City Council and City Manager Conard on evaluating fees for outdoor dining. She addressed the extra expense for outdoor dining and that some owners believe it can be revenue neutral activity.

Hannah Corcoran (via zoom) spoke on behalf of the Goat and their support for outdoor dining. She said it was an important factor in assisting their business to stay open.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS

Continued Public Hearing – Capital Improvement Plan (CIP): *(Continued Public Hearing that was held open per action of the City Council at the February 7, 2022 meeting)*

A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2023-2028

(Action on CIP will take place at the March 7, 2022 City Council meeting)

- **PRESENTATION**

Mayor McEachern stated the presentation was held at the January 19, 2022 Work Session.

- **CITY COUNCIL QUESTIONS**

There were no questions of the Council.

- **PUBLIC HEARING SPEAKERS**

Effie Malley spoke in support of the Climate Action Plan and said support from the city is needed. She said that the plan ties to the City's Master Plan and asked that the Council support and approve the funding.

Richard Brabazon spoke opposed to sidewalks being installed in Elwyn Park and addressed traffic calming measures that should be adopted before sidewalks, which is less expensive. He spoke to the lack of school signage. He said that many residents have invested a significant amount of money in their driveways and the installation of sidewalks would require the taking of a portion of these driveways, which will cause some cars to be parked in the streets versus their driveways. He asked that the Council consider more fiscally responsible alternatives.

Petra Huda said following budget meetings she will come forward with new information. She addressed the Police Department request for a new facility and the need for additional remediation of mold. She asked that such a tax burden not be placed on residents now. She also addressed funding for the City Hall HVAC system.

Christina Dubin spoke in support of the Climate Action Plan and said it interacts with the UNH plan.

Cliff Lazenby spoke on Elwyn Park improvements and the process the city engaged in to move the plan forward. He spoke to public meetings taking place in the neighborhood and how Dondero school improvements are imbalanced with other schools. He said the process needs to move ahead and the issue is more urgent now.

Rick Becksted spoke regarding moving the \$1.6 million in sidewalk funding to FY24. He said people on Peverly Hill Road have waited 20 years for sidewalks and the funding was just approved last year. He said the Council should not move forward without getting 100% approval from residents for the installation of sidewalks in Elwyn Park.

Esther Kennedy asked for more funding for the Cemetery Committee. She asked that the City Council look at the bonding in the city.

Alison Tanner spoke in support for the Climate Action Plan and moving forward as a city on this matter.

Bert Cohen spoke in support of the Climate Action Plan and said the City Council needs to take a forward position on this matter.

Robert Smith spoke in support of comments made by Richard Brabazon and Rick Becksted. He said that there are other items that the Council should be looking into. He also spoke in support of the comment by Mr. Becksted to have 100% agreement by residents to install the sidewalks in Elwyn Park before moving forward with the project.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Councilor Lombardi moved to continue the public hearing until the March 7, 2022 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

- B. Third and Final Reading of Ordinance amending Chapter 3, Article XI, Section 3.1101 – 3.1105 – Face Coverings During the COVID-19 Pandemic

Councilor Tabor moved that third reading of the Face Coverings Ordinance be postponed indefinitely, not to be brought back before the City Council without one meeting prior notice. Seconded by Councilor Blalock.

City Manager Conard reported that the Health Officer could make a health directive to put the mask mandate back in place.

Councilor Bagley said we should move to table and rely on the guidance of our Health Officer.

Councilor Blalock said he does not want to confuse the public and send mixed messages regarding this matter.

Councilor Cook said she does not feel it is necessary for the City Council to vote on the health directive because we need to be able to respond quickly.

Mayor McEachern said by not passing this is not declaring victory, but we are moving to another phase of life with this. He said if in the future we need to bring the ordinance back it could be amended.

On a unanimous roll call vote 9-0, motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Public Hearing Regarding Elderly and Disabled Exemptions

City Manager Conard said staff is requesting a public hearing be held regarding the elderly and disabled exemptions at the March 7, 2022 City Council meeting.

Councilor Tabor said back in 2020 the Council looked at the amounts to keep pace with the rise in property taxes. He said the intent was that the exemptions be at ½ of the value of the home. He requested to look into that matter again. Assessor Lentz suggested to wait until after the revaluation has been completed.

Councilor Cook asked about care providers of disabled persons and how is that issue addressed. Assessor Lentz said that the statute does not account for that type of exemption.

Mayor McEachern said he would like the Council and Assessor Lentz to review the asset and income levels for adjustments.

Councilor Blalock moved to schedule a public hearing at the March 7, 2022 City Council meeting. Seconded by Councilor Tabor and voted.

2. Report Back on Recommendations for Outdoor Dining

City Manager Conard said that recommendations have been made and are in front of the City Council for consideration. She said this was a team effort and the Chamber of Commerce provided input on this matter. She reviewed the 2022 Outdoor Dining – Transitional Programmatic Implementation:

- Use of City Sidewalks and Parking Spaces
- Use of City Streets – Travel way
- Use of Private Parking
- Timeline for Implementation
- Permanent Regulations Going Forward – Planning for 2023 – Standards for Use of Public Realm

Discussion followed regarding fees, occupancy at parking garage and the cost of passes.

Councilor Bagley spoke regarding turning loading zones into revenue generating spaces. Parking Director Fletcher spoke regarding the number of loading zones and the question surrounding revenue generation.

Councilor Cook asked how many restaurant are impacted by not allowing reversal of the travel lane. City Manager Conard said the Clipper Tavern, The Franklin and three other locations on Congress Street.

Assistant Mayor Kelley spoke regarding the placement and removal of barriers. Public Works Director Rice said it is about safety and making sure there is a solid barrier and sites are looked at on a case by case situation.

Mayor McEachern said there are bollards that are retractable that could be looked into for future years. He said he would like a report back from the Parking and Traffic Safety Committee regarding traffic mitigation for travel ways as a broader plan.

Police Chief Newport said the use of bollards could pose issues for the Fire Department.

Assistant Mayor Kelley said we should look at the Master Plan and renovations to Market Square, possibly removing parking on one side to make it more pedestrian friendly.

Councilor Tabor said outside dining makes the downtown vibrant and the question is do we want to make it permanent by reviewing long term solutions. He said if we took parking away for dining we would still have parking available in the garage.

Councilor Moreau said there might be justification for the new \$5,700.00 fee and perhaps we look at a step up year and also the broader spectrum for more turnover of parking.

Councilor Bagley said he proposed the Council come up with a fee that is equitable and staggered, and 2022 be a transitional year. He also suggested the season be from Memorial Day to Labor Day or maybe we look at a cutoff date of October 15th.

Discussion followed regarding questions relative to downtown construction and how that could directly affect some businesses.

City Manager Conard spoke to the creation of twenty 15-minute spaces in 2020 for takeout spots, which did revert back to regular 15 minute spaces. She said it is difficult to enforce 15-minutes spaces. Councilor Cook said she would like to look at 15-minute spaces be provided to retailers.

Councilor Blalock thanked City Manager Conard, Public Works Director Rice, the Fire and Police Departments for their efforts on this matter. He said our downtown is unique and residents adapted. He said he works downtown and this situation is very hard to treat everyone the same because of different locations. He said we do need to be careful of imposing fees on already struggling businesses.

Assistant Mayor Kelley said she would like the Parking and Traffic Safety Committee to look at 15-minute spots by increasing the time to 30 minutes for retailers.

Councilor Lombardi said we need to look at another form of transportation to bring people into our downtown. He said the city needs to look at a more usable form of public transportation for the City.

Councilor Bagley moved to adopt the city recommendations with fees being set at \$1,500.00 per space with 50% this year, all business that operated in 2020-2021 be allowed to operate, the season would commence June 1st and end on October 16th, and further that we inform those businesses that this will be the final year for their outdoor dining, as well as advising businesses that in 2023 the city would start from the ground up with outdoor dining. Seconded by Councilor Denton.

Councilor Denton moved as a friendly amendment that outdoor dining would be \$2.00 per square foot and that the minimum of \$2,000 would be lowered to \$600.00. Councilor Bagley accepted the friendly amendment.

Councilor Cook spoke to the importance of outdoor dining for many residents. She said we should operate as we did last year, it is extremely late to change things now and next year would be a transitional year.

Councilor Tabor suggested \$3,000.00 for outdoor dining as a goal and \$1,500.00 be charged next year.

City Manager Conard advised the Council that there is a policy adopted in 2012 making the outdoor dining fee \$2,000.00. She said there are currently 5 Area Service Agreements that fall under that policy and there is precedents back to 2019. City Attorney Sullivan said the City Council could change the policy now, if they chose.

Assistant Mayor Kelley said she owns a business downtown and asked the City Attorney if there is a conflict. City Attorney Sullivan said he reviewed the Code of Ethics and there is not a conflict because it does not affect Assistant Mayor Kelley differently than other people in the city.

At 9:40 p.m., Mayor McEachern declared a brief recess. At 9:50 p.m., Mayor McEachern called the meeting back to order.

City Attorney Sullivan stated that the City Council would like to start the process over and he advised that the Council would need to withdraw all pending motions.

Councilor Bagley moved to withdraw all pending motions before the Council. Seconded by Councilor Blalock and voted.

Councilor Bagley moved to adopt the City Manager recommendation on outdoor dining. Seconded by Councilor Blalock.

Councilor Bagley moved to amend the fee structure to be \$3,000.00 to be charged at a 50% rate of \$1,500.00 per parking space in 2022. Seconded by Councilor Denton.

On a roll call vote 7-2, motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi and Mayor McEachern voted in favor. Councilors Blalock and Cook voted opposed.

Councilor Bagley moved that sidewalk spaces and travel ways be set at a rate of \$2.00 per square foot with a minimum of \$600.00 for areas that exist in the public realm for the year 2022. Seconded by Councilor Denton.

Assistant Mayor Kelley moved a friendly amendment that sidewalk spaces and travel ways be set at a rate of \$5.00 per square foot with a minimum of \$1,000.00 for areas that exist in the public realm for the year 2022. Councilor Bagley accepted the friendly amendment.

On a roll call vote 7-2, motion passed that the sidewalk spaces and travel ways be set at a rate of \$5.00 per square foot with a minimum of \$1,000.00 for areas that exist in the public realm for the year 2022. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi and Mayor McEachern voted in favor. Councilors Blalock and Cook voted opposed.

Councilor Bagley moved to amend the time frame for outdoor dining end on October 16th for establishments that require jersey barriers. Seconded by Councilor Moreau.

Discussion relative to the motion followed.

On a roll call vote 2-7, motion failed to pass. Councilors Tabor and Bagley voted in favor. Assistant Mayor Kelley, Councilors Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted opposed.

Councilor Bagley moved to amend under Proposed Changes for Traffic Circulation by striking the following language: *Any proposed use of the travel way must not impact traffic circulation downtown. Changes that results in a significant impact to the traffic patterns or that result in a change to the directional pattern of the street will not be considered.* Seconded by Assistant Mayor Kelley.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said the travel patterns did impact some businesses and it is an issue of fairness, and he would not support changing one way streets again this year.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

On a roll call vote 6-3, motion passed. Assistant Mayor Kelley, Councilors Denton, Bagley, Lombardi, Blalock and Cook voted in favor. Councilor Tabor, Moreau and Mayor McEachern voted opposed.

Councilor Cook requested City Manager Conard report back on the number of businesses that chose not to apply for outdoor dining this year, and conduct a survey of those, asking if it was related to the fee structure.

On a unanimous roll call vote 9-0, passed main motion as amended.

4. Approval of Deer Street Associates Parking Agreement

City Manager Conard spoke regarding the Parking Agreement.

Councilor Denton moved to authorize the City Manager to execute a Parking Agreement with Deer Street Associates in a form substantially similar to the attached agreement contained in the City Council packet dated February 22, 2022. Seconded by Assistant Mayor Kelley.

Councilor Moreau said the Council is obligated to carry out the agreement.

Mayor McEachern asked City Attorney Sullivan to speak to the city's legal position on this matter. City Attorney Sullivan said that he and outside counsel recommend approval of the agreement.

Motion passed.

4. License Request for 64 Vaughan Mall

City Manager Conard said in 2021 approval was given for 64 Vaughan Street and spoke to the project and related license request to use 35 square feet of land and 14 parking spaces to work on the façade of building. She reported that the license is for 90 days with a total licensing fee of \$44,257.50. She advised the Council that the Legal and Planning Departments have reviewed and approved the form of the license.

Councilor Tabor moved to authorize the City Manager to execute and accept the temporary construction license for a term of March 5, 2022 to June 3, 2022 for the use of 35 square feet of land in the Vaughan Mall and fourteen (14) parking spaces in the Worth Lot as requested. Seconded by Councilor Moreau.

Assistant Mayor Kelley moved to suspend the rules in order to allow Shayne Forsley, General Manager of Hampshire Development Corporation to speak to the project. Seconded by Councilor Tabor and voted.

Mr. Forsley spoke to the project being targeted for completion in 15 months.

Motion passed.

XII. CONSENT AGENDA

- A. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street on Thursday, March 31, 2022 for Wentworth-Douglass Hospital's rental fundraising event "The Seacoast Culinary Challenge" ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- B. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street for outdoor events beginning May 27, 2022 through August 27, 2022, and further approval to serve alcohol on Chestnut Street under The Music Hall's liquor license. All liquor service will cease by 9:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- C. Request the New Hampshire Regiment and Jim Poole, CDR/US Navy retired seeking permission to fire their rifles and 6 pound cannon (no ammunition will be loaded) on April 24, 2022 at the John Paul Jones House ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

Councilor Moreau moved to adopt the Consent Agenda. Seconded by Councilor Tabor and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Blalock and voted.

- B. Letter from James Hewitt regarding the installation of EV stations

Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

- C. Petition from residents of Elwyn Park opposed to the installation of sidewalks in neighborhood

Councilor Blalock moved to accept and place on file. Seconded by Councilor Tabor and voted.

- D. Resubmission of letter from Gretchen Rath, Portsmouth Fabric Company, requesting retailers to be invited to any meetings convened regarding downtown parking

Councilor Tabor moved to accept and place on file. Seconded by Councilor Cook and voted.

- E. Resubmission of letters from various downtown businesses regarding outdoor dining and the use of parking spaces

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Cook and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
 - Duncan MacCallum to the Cemetery Committee
 - Elaine Apatang-Butts to the Citywide Neighborhood Blue Ribbon Committee
 - Kathleen Boduch to the Citywide Neighborhood Blue Ribbon Committee
 - Lawrence Cataldo to the Citywide Neighborhood Blue Ribbon Committee
 - William Gatchell to the Citywide Neighborhood Blue Ribbon Committee
 - Lori Soloway to the Citywide Neighborhood Blue Ribbon Committee
 - Peter Somssich to the Citywide Neighborhood Blue Ribbon Committee
 - Anne Weidman as an Alternate to the Economic Development Commission
 - Heinz Sauk-Schubert as an Alternate to the Historic District Commission
 - Jeff Stern to the Library Board of Trustee
 - Jason Brewster to the Peirce Island Committee
 - Francesca Marconi Fernald to the Peirce Island Committee
 - Chris Gallot to the Peirce Island Committee
 - Steven Marison to the Peirce Island Committee
 - Stephen Philp to the Peirce Island Committee
 - Devan Quinn to the Peirce Island Committee
 - John Simon to the Peirce Island Committee
 - Richard Smith to the Peirce Island Committee
 - Marc Stettner to the Peirce Island Committee
 - William Townsend to the Peirce Island Committee
 - Kathleen Bergeron to the Portsmouth Housing Authority
 - Lauren Krans to the Recreation Board
 - Phyllis Eldridge to the Zoning Board of Adjustment

The City Council considered the appointments outlined to be acted upon at the March 7, 2022 City Council meeting.

2. Appointments to be Voted:
 - Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits
 - Jeffrey Barraclough to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits

Mayor McEachern announced that Mr. Barraclough has withdrawn his application for appointment.

Councilor Lombardi moved to appoint Genevieve Aichele to the Blue Ribbon Committee on Portsmouth Arts & Non-Profits. Seconded by Assistant Mayor Kelley and voted.

3. Resignation – Craig Jewett from the Portsmouth Housing Authority

Councilor Moreau moved to accept the resignation with regret and to send a letter to Mr. Jewett thanking him for his service to the City. Seconded by Councilor Blalock and voted.

4. Proposed City-wide Goals

Mayor McEachern reviewed the proposed City-wide Goals as outlined.

City Council Goals

- 1) *Invite and Honor Input from the Community and Encourage Increased Participation/Engagement of Youth*
- 2) *Identify and Promote Strategies for Local Business Retention and Preservation of Affordable Commercial Spaces*
- 3) *Leverage Local Resources and Partnerships to improve and Support Needs of Residents, Nonprofits, Arts and Culture Community*
- 4) *Proactively Pursue the Integration of Sustainability, Resilience, and Climate Change Mitigation Actions Throughout City Government and Community*
- 5) *Diversify and Enhance the Supply of Housing Choices*
- 6) *Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process*
- 7) *Consistently communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed*

General Government Organizational Goals

- 8) *Welcome and Support Diversity in the Workplace and Community*
- 9) *Maintain Financial Stability*
- 10) *Meet or Exceed State and Federal Legal/Regulatory Requirements Including Those for a Safe and Healthy Community and Environment*
- 11) *Deliver Services and Programs with Courtesy, Professionalism, and Efficiency*
- 12) *Maintain and Improve Infrastructure to Meet Needs of the Community*

School Board, Fire and Police Commission Goals

- 13) *Provide an Educational Environment that Affords Opportunity, Equity, Student Wellness and a Strong Sense of Community to Every Youth*
- 14) *Protect the Community Through Fire and Crime Cessation and Prevention for its Residents and Businesses*

Councilor Moreau moved to approve and accept the proposed City-wide Goals as presented. Seconded by Councilor Cook.

Councilor Moreau thanked staff for their work and making the goals of the Council decisive and comprehensive.

Motion passed.

Councilor Cook moved to suspend the rules in order to continue the meeting beyond 10:30 p.m. Seconded by Councilor Moreau and voted.

5. Families First / COAST Bus

Mayor McEachern requested a report back on the feasibility of locating a COAST bus stop closer to Families First on Greenleaf Woods Drive and how can we provide input to transportation and COAST in terms of bus stops and their general availability in the community.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Community Power Coalition of New Hampshire

Councilor Tabor moved that the City Manager is authorized to take any and all actions necessary within her judgment to cause the City of Portsmouth to become party to the Joint Powers Agreement of the Community Power Coalition of New Hampshire, as presented, which became effective on October 1, 2021. Seconded by Councilor Denton.

Councilor Tabor spoke to the unanimous support by the Energy Advisory Committee. He said we need to give residents a way to purchase cleaner power. He said a community plan will come back to the City Council once it has been developed. He requested to conduct a survey of the community to gauge their interests in a series of options available to them.

Councilor Cook said she would like to voice her full support for this and spoke to the exemplary work of the committee.

Councilor Blalock thanked Councilor Tabor on this matter and said he supports making this more of a net zero community.

Motion passed.

B. COUNCILOR DENTON

1. Proposed Outdoor Dining Fees

Councilor Denton moved that City staff work with the Fee Schedule Study Committee to develop fees for Food Service Establishments on City property that violate the composting requirements of the Distribution of Single-Use Disposables on city property ordinance. Seconded by Councilor Cook.

Councilor Denton spoke to the average monthly cost for a resident to dispose of single-use disposables. He would like to see restaurants to do more composting.

Councilor Blalock said he appreciates Councilor Denton bringing this matter forward. He said he is concerned with the addition of fees to the restaurants as we are still in the middle of a pandemic.

Assistant Mayor Kelley said she supports the motion. She said she would like to look at composting throughout the city.

Mayor McEachern said he would look at fees if we provided composting by the city. He said we need to offer this more broadly.

Motion passed.

C. COUNCILOR BAGLEY

1. Elwyn Park Traffic Calming and Pedestrian Improvements

Councilor Bagley moved TSM-17-PL-59: Elwyn Park Traffic Calming and Pedestrian Improvements from FY24 and FY25 in the CIP to FY23 as \$1,660,000.00 to be bonded. Seconded by Councilor Denton.

Councilor Bagley said he feels it is important to move this project forward but it doesn't mean that it will happen in FY24 or FY25. He stated there is 70% approval by the neighborhood.

Councilor Lombardi asked what is the status of the right-of-way and will we need to take part of resident's property to do this project.

Mayor McEachern said most home owners do not own all of their lawn.

Councilor Blalock said sidewalks will make it safer for children.

City Manager Conard said that this is a reprioritization of projects in the CIP.

Councilor Cook said Elwyn Park is difficult for walking because there are not sidewalks. She said the traffic is vibrant and could be dangerous. She said it is time the Council consider pedestrian walkability.

Councilor Moreau said she would like to ask City Manager Conard and Public Works Director Rice if we will have any issues with staying in our bonding requirements if this project moves forward.

City Manager Conard said she would need our Finance Director to report back. Public Works Director said staff is a challenge and there are two drainage areas that will have a larger impact on this project.

Assistant Mayor Kelley asked if it would be possible to schedule a site walk of the neighborhood to gather more general consensus.

Public Works Director Rice said there is time to look at this further and the Council could bring it forward for adjustment during the budget adoption process.

Mayor McEachern said we would split the costs in the CIP with the design and funding for the remainder of the work taking place in FY24. Public Works Director Rice said currently there is \$90,000.00 in FY24 monies that could be allocated.

Councilor Bagley rescinded his motion and Councilor Denton the second to the motion.

Mayor McEachern said we would schedule an on-site visit.

D. COUNCILOR LOMBARDI & COUNCILOR TABOR

1. Report Back regarding Proposed Cargo Facility at the Tradeport

Councilors Lombardi and Tabor advised that the planning process for a Cargo Facility is currently underway and the PDA is exploring the feasibility of this project. Councilor Lombardi said that there is no tenant currently being considered. Councilor Tabor said the PDA is looking to move quickly on this process and reported that Newington and Greenland are concerned with the traffic that such a facility would create.

Councilor Moreau said anything that happens at Pease comes to the Planning Board for review.

Councilor Lombardi said anything that comes into Pease is regulated by the FAA and falls under the PDA.

Mayor McEachern announced that the Council will be visiting Pease and meeting with the PDA.

E. COUNCILOR COOK

1. Cultural Plan for Portsmouth

Councilor Cook moved to approve of a new Cultural Plan for Portsmouth to be commenced in 2022, based on a scope of work outlined by the Portsmouth Arts & Nonprofits Committee, noting that the request for development of a Cultural Plan in 2022 was included in the Committee's 2021 Year End Report to the City Council on December 20, 2021, and request that the City Manager identify the appropriate funding source for said Cultural Plan. Seconded by Councilor Denton.

Councilor Cook spoke to the last Cultural Plan for Portsmouth being completed in 2002. She said part of the reason we have not adopted a new plan is we no longer have a standing Arts Committee but would develop a new plan.

Mayor McEachern said that this is a comprehensive document, which needs to be updated in the near future.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Wellness Reward - \$2,000.00

Councilor Blalock moved to approve and accept the Wellness Reward as presented. Seconded by Assistant Mayor Kelley and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on EV Charging Stations

City Manager Conard said there is a report back contained in her memorandum to the City Council regarding level 2 and 3 charging stations.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

1. Citywide Neighborhood Committee Meeting Minutes of January 26, 2022

Councilor Blalock moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.

XIX. ADJOURNMENT

At 11:20 p.m., Councilor Blalock moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK